

REMARKS

Claims 39-54 were pending and presented for examination in this application. In an Office Action dated March 23, 2007, claims 39-54 were rejected. After an interview between Examiner and Applicants' representative on June 2, 2007, Applicants submitted an after final amendment, which was not entered per the Examiner advisory action of July 5, 2007. This amendment is now being presented again with the filing of a Request for Continued Examination in order to advance prosecution.

With this amendment, previously presented claims 46 and 54 are cancelled and are now substantially presented as independent claims 39 and 47, which have been accordingly amended. Claims 39-45 and 47-53 are thus currently pending.

Response to § 101 Rejection of the Claims

Examiner rejected claims 47-54 as directed to non-statutory subject matter. Applicants respectfully traverse this rejection but have amended claim 47 to expedite prosecution. The rejected claims thus now recite, "a computer program product...comprising a computer-readable medium encoded with computer program code." "A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer....and is thus statutory." MPEP 2106.01 I. Therefore, Applicants respectfully request withdrawal of this rejection.

Response to § 102 Rejection of the Claims

Examiner rejected claims 39-54 under 35 USC 102 as anticipated by US Patent 6,269,343 to Pallakoff. This rejection is traversed as applied to previously presented claims 46 and 54, which are substantially presented in this current amendment as independent

claims 39 and 47. (Claim 39 has also been amended to clarify the language of the invention, and the preamble of claim 47 amended as described above.) These claims now recite:

“receiving instructions for selecting an on-line group buying sale from the plurality of on-line group buying sales for a website for referring potential buyers to an on-line group buying sale, wherein an instruction of the instructions for selecting comprises a selection of a category, from a hierarchy of categories, of goods/services to be sold in an on-line group buying sale...

responsive to [a] request for information [from a referring website] and the instructions for selecting an on-line group buying sale, selecting for the referring website an on-line group buying sale from the plurality of on-line group buying sales”

According to the method of claim 39, an on-line group buying sale can be selected and provided to a website for referring potential buyers to an on-line group buying sale. The instructions regarding what sale to offer to what buyers comprise a selection of a category of goods/services. The instructions are then used to make the selection. By selectively providing group-buying sales to the potential buyers based on such instructions, there is a greater chance that the sales will be relevant and interesting to the buyers. Claim 47 recites similar limitations and can be used to confer similar advantages.

Pallakoff does not suggest or disclose the claimed elements. The portions of Pallakoff cited by Examiner for these elements describe how offers may be displayed (6:47-7:5) on a website. In addition, Pallakoff contemplates presenting individual offers on multiple affiliate websites (9:54-9:55). However, neither these nor any other portions of Pallakoff address the selection of what particular group buy offers should be made available to which particular specific potential buyers or affiliate websites. Pallakoff simply never reaches or contemplates an instruction that, “comprises a selection, from a hierarchy of categories, of a category of goods/services to be sold in an on-line group buying sale” as claimed. Yet, as described above, this type of instruction can be used to identify sales that are more likely to be relevant to users of a referring website. The independent claims, and the remaining claims that depend from them, are patentable over Pallakoff for at least this reason.

On the basis of the above amendments, the early allowance of all claims is hereby requested. If Examiner believes that direct contact with the Applicants' attorney will advance the prosecution of this case, Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,
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